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TEST # 42
1 HOUR CREDIT
SUBSTANCE ABUSE

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Help For Addicted Attorneys *Lawyer Assistance Program offers free, confidential help to lawyers suffering from substance dependence*

By RICHARD CARLTON

You may have read previously about the Lawyer Assistance Program of the State Bar of California, established nearly two years ago in response to SB 479 (Burton). This program was mandated by the legislature in order to assist lawyers who are suffering from substance-related disorders (abuse and dependence) and/or mental health problems.

The creation of attorney-only assistance programs is an outgrowth of years of experience in addressing substance-related disorders and mental health problems in professional populations and the unique challenges associated with such efforts.

Most of the licensed professionals in California now have some type of assistance effort developed by their regulatory agency. The Physician Diversion Program of the Medical Board of California, which served as a model for the Lawyer Assistance Program, was created by the California legislature more than two decades ago. We will look at some of the unique challenges of addressing these disorders in the attorney population.

Substance-related disorders

Substance dependence has been accepted as a disease since the 1960s. Substance dependence has the following disease model characteristics:

1. Chronic — it is a permanent condition that can be arrested but not cured;
2. Progressive — if left untreated, the condition gets worse;
3. Fatal — if left untreated, the condition can be and often is fatal;
4. Recognizable symptoms — the symptoms are clearly recognizable without the aid of tests;
5. Treatable — while the condition cannot be cured, the progression of the disease can be arrested and people live happy, healthy and productive lives in recovery.

Brain disease

Substance dependence is often referred to as a "brain disease." Although the disease has a profound impact on many of the major organ systems in the body, it is changes in brain chemistry that create the craving for mood-altering substances and explain the loss of control that occurs. Changes in brain chemistry lead to an obsessive, compulsive and irrational need to drink or use drugs despite adverse consequences to the user's own life and health.

The later stages of the disease are accompanied by the experience of pain (both physical and emotional) after the effects of the alcohol or drugs have faded, and those afflicted begin to use substances in order to avoid the pain, rather than to experience pleasure. In later stages of the disease, total loss of control over the use of alcohol or drugs is common, and this loss is progressive and permanent.

Denial

Denial is an important characteristic of the progression of the disease of substance dependence. As the disease develops, the afflicted individual becomes increasingly unable to accurately perceive what is happening. Perception becomes distorted. The individual denies symptoms of abuse and continues to use. Denial is often mistaken for deceit or dishonesty instead of the distorted perception that it represents.

Denial, rationalization and euphoric recall are natural ego-defense mechanisms that all of us utilize. However, they are used in the mind of the addict/alcoholic to avoid facing the embarrassment and shame that would otherwise be overwhelming. The individual also begins to need to defend against the criticism of others and avoid admitting that he or she has a problem that cannot be overcome alone. This powerful defense develops subtly and denial strengthens as the disease progresses.

Getting help

The tragic result of denial is that only a small percentage of those individuals who need help are aware of their need; accordingly, few seek help. Contrary to popular myth, it is not necessary for those close to a substance-dependent attorney to wait for the attorney to hit his or her own proverbial "bottom" before help can be successfully rendered. It is neither necessary nor advisable to wait until the attorney, his or her clients, colleagues or family, suffer irreparable harm. Intervening to present an impaired attorney with a caring and compassionate message about the impact of their behavior is often effective.

This can be achieved informally in personal conversation with the attorney or formally when professionals facilitate a formal meeting. The goal of any "intervention," whether it be a friend expressing concern or an employer extending an ultimatum, is for the individual to obtain proper assessment and appropriate treatment.

Do not underestimate the value of expressing your concern. Many people who are currently in recovery from this disease are able to reflect back with gratitude toward those who demonstrated the courage to speak up. Many report that this courage helped to save their life.

Programs like the Lawyer Assistance Program are available to help with expressing concern and finding appropriate assessment and treatment. You do not have to address these issues alone.

Substance-related disorders appear to be a more common problem in the legal profession than in most other occupations. While household studies indicate that roughly 10 percent of the adult population experiences a problem at some point in life as a result of the abuse of alcohol or drugs, several studies suggest that the incidence of this abuse among legal professionals may be as much as 50 percent higher than the general adult population.

This apparent occupational hazard is most often attributed to the stress of legal practice, though there may be a natural self-selection process at work as well.

The same personality traits that are over-represented in the population of adults who are recovering from substance-related disorders — high achievement orientation, perfectionistic, obsessive-compulsive — also are common in the legal community.

A substance-dependent attorney in the throes of denial presents a challenge, even for the most skillful treatment professional. Many require or expect a greater level of "proof" that the problem exists or that they are no longer in control of their use. They are more inclined to argue these points with concerned colleagues and friends, and even with treatment professionals. In addition, lawyers with these problems typically:

- have outstanding verbal skills,
- expect to be looked to for answers rather than seeking answers or advice from others,
- have a strong resistance to showing weakness or need for help, and
- need to be in control.

Having the support of a group of peers struggling with the same issues and challenges tends to break through the denial and reduce the shame associated with having this disease. Substance-dependent attorneys therefore respond better to and experience a higher success rate when at least a part of their treatment occurs within their peer group.

In recognition of this, attorney-only peer-support group meetings called The Other Bar began forming in many California communities more than two decades ago. The not-for-profit organization, The Other Bar, was incorporated in 1987 to provide peer-assistance statewide to legal professionals suffering from substance-related disorders.

Depression

Like substance-related disorders, clinical depression is also prevalent in the legal profession. A study of 12,000 adults by a team of researchers from Johns Hopkins University discovered that among all the occupational groups represented in that large sample, the attorneys had the highest prevalence of signs and symptoms of clinical depression.

In fact, the rate of depression among the attorneys studied was 3.6 times the norm for all occupations. Similarly, a Florida study revealed that 32 percent of the attorneys reported feeling depressed at least once a week.

Psychologists observe that attorneys, who are trained to be impersonal and objective, often apply the same approach to their personal problems and are reluctant to focus on their inner emotional lives. Some attorneys believe they should be able to handle their personal problems just as effectively as they handle their clients' legal problems.

Concerned colleagues and friends, therefore, must often encourage a depressed attorney to seek professional help from available resources such as the Lawyer Assistance Program.

Depressed and potentially suicidal individuals often exhibit changes in their mood, appetite and energy level, which can be noticed by colleagues, friends and family members and should be a matter of concern. Common symptoms of depression include:

- feelings of hopelessness,
- restlessness and irritability,
- fatigue or weakness,

- inability to concentrate,
- loss of appetite, and
- diminished interest in sex and recreation.

Treatment usually consists of psychotherapy, medication or a combination of the two. Often, people with depression will begin to see positive results within a month of beginning treatment.

Stress, burnout, job dissatisfaction

Clearly, the practice of law is a challenging experience for many legal professionals. Studies indicate that attorneys experience extraordinarily high levels of stress and burnout and have a higher than normal level of job dissatisfaction with their chosen career:

- At least a quarter of attorneys surveyed in multiple studies report suffering from stress so severe it impairs their practice.
- A Maryland Bar Association study found that one in three of the lawyers who responded intended to leave the practice of law within five years.
- A study by the ABA found that 40 percent of the lawyers responding were dissatisfied with their jobs.

Brief counseling is available through the Lawyer Assistance Program to address stress, burnout and other career problems.

The Lawyer Assistance Program ("LAP") is the official assistance program of the State Bar of California. The goals of the LAP are to (1) assist attorneys with substance-related disorders and mental health problems, (2) improve attorney competence and (3) protect the public, the courts and the legal profession. The services of the LAP are augmented by the services and activities of The Other Bar.

The LAP is a comprehensive program, offering support and structure from the beginning stage of recovery through continuing care and including:

- thorough assessment and consultation;
- professionally facilitated support group meetings;
- assistance with arrangements for intensive treatment;
- monitored continuing care;
- random lab testing; and
- no-cost professional counseling for stress, burnout, depression or career concerns (three sessions).

The program also works with family members, friends, colleagues, judges and other court staff who wish to obtain help for an impaired attorney. Financial assistance is available so that no one is prevented from participating in the program due to financial limitations.

Attorneys may self-refer into this program or may be referred as the result of an investigation or disciplinary proceeding. In some cases, participation may be in lieu of disciplinary action. When requested by an attorney who is facing disciplinary charges and whose practice has been impaired by personal problems, the LAP can serve as a monitor of the attorney's continuing recovery for the State Bar Court.

One of the unique characteristics of this program is that the confidential nature of participation in the program is mandated in the statute that created the program (Business and Professions Code §6230-8). The fact that an attorney is participating in the LAP is strictly and absolutely confidential. No information concerning participation in the program will be released without the attorney's prior written consent.

Clearly, legal professionals need an assistance program specifically geared to the unique pressures of legal practice and to the recovery needs of attorneys. Call toll-free 866-436-6644 for confidential assistance from the Lawyer Assistance Program for yourself, a colleague or a family member.

■ *Richard Carlton is the deputy director of the Lawyer Assistance Program. Prior to joining the bar, he was the director of the Lawyers Personal Assistance Program, a no-cost counseling service for California lawyers, for 12 years. Carlton also manages the Judicial Support Network for the California Judges Association.*

Test — Substance Abuse

1 Hour MCLE Credit

1. Attorneys are one of the few professions in California to have their own assistance program addressing substance-related disorders and mental health problems.
2. There is no known cure for substance-related disorder.
3. Alcoholism and other substance-related disorders are rarely fatal.
4. A substance-related disorder can only be diagnosed through a blood test.
5. Cravings for mood-altering substances are a consequence of changes in the brain.
6. Searching for pleasure is what always motivates people who are substance-dependent to continue using and drinking.
7. Denial often prevents people from admitting to themselves and those around them that they are out of control.
8. All people with substance-related disorders eventually ask for help.
9. It is necessary to wait for the substance-dependent attorney to hit his or her own proverbial "bottom" before help can be successfully rendered.
10. Intervening, either formally or informally, to present an impaired attorney with a caring and compassionate message about the impact of their behavior is often effective.
11. Substance-related disorders may be as much as 50 percent higher in the legal profession compared to the general adult population.
12. Studies have shown that legal professionals experience depression at roughly the same rate as the entire adult population.
13. Attorneys with substance-related disorders are ideal patients.
14. Having the support of ones peers struggling with the same issues and challenges reduces the shame that is often associated with this disease.
15. An inability to concentrate is one of the common symptoms of depression.
16. Medications can be helpful in the treatment of clinical depression.
17. Studies indicate that attorneys experience extraordinarily high levels of stress and burnout.
18. Information about attorneys participating in the Lawyer Assistance Program may be shared with other offices of the State Bar without the attorney's consent.
19. The Lawyer Assistance Program is a source of consultation, counseling and thorough assessment for a wide range of personal problems.
20. The Lawyer Assistance Program works with family members, friends, colleagues, judges and other court staff who wish to obtain help for an impaired attorney.

Certification

- This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of 1 hour in substance abuse.
- The State Bar of California certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

MCLE ON THE WEB

TEST #42 — Help For Addicted Attorneys

1 HOUR CREDIT SUBSTANCE ABUSE

- Print the answer form only and answer the test questions.
- Mail only form and check for \$20 to:

MCLE ON THE WEB — CBJ
The State Bar of California
180 Howard Street
San Francisco, CA 94105

- Make checks payable to State Bar of California.
- A CLE certificate will be mailed to you within eight weeks.

Name

Law Firm/Organization

Address

State/Zip

State Bar Number (Required)

1. True___ False___
2. True___ False___
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